

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): Cindrich et al.

SERIAL NO.: 10/567,051 I.A. Number: PCT/US04/26109

I.A. FILING DATE: 08/12/2004 EXAMINER: TBD

FOR: Patch-like infusion device

The Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RENEWED PETITION UNDER 37 C.F.R. § 1.47(a)**

**RECONSIDERATION of DISMISSED PETITION  
and New Statements of Facts**

A Petition was filed January 29, 2007 under 37 C.F.R. § 1.47(a) which was dismissed in a mailing dated October 24, 2007. A Two month period was given for reconsideration, which brings the response date to December 24, 2007.

The Petition was declared defective under Requirement (2) of 37 C.F.R. § 1.47(a) and MPEP Section 490.03(d) since the letter and mailing to Mr. Howell were done by Ms. Ursula M. Polignone. Attached herewith is a Statement of Facts Signed by Ms. Polignone. Additionally, I have re-attested to actions that I have personally performed. Copies of the letters and supporting documents are not supplied herewith, as the copies are of record in the last petition filing, and duplication in the file history would be redundant.

**Statement of Facts by Ms. Ursula M. Polignone**

- A Letter dated November 17, 2006 was mailed to Mr. Howell's last known address, at the direction of Mr. Robert E. West. I personally prepared and mailed the letter. The letter included a Declaration, Power of Attorney, Assignment and a copy of the application, including the specification, claims and drawings. **To my knowledge no response was received.** (Copy of Cover Letter filed in previous petition on January 29, 2007)
- The last known address for Mr. Howell is:
  - 1202 East 11000, South; Sandy, Utah 84094
- The aforementioned Letter was sent via Overnight courier and was delivered to the address on November 20, 2006. (Shipping Document, Internal Mail Request, and Tracking Summary filed in the previous Petition on January 29, 2007)

I certify that the statements set forth in this Statement of Facts are true and correct, except as to matters stated on information and belief, and as to such matters I certify as aforesaid that I believe the same to be true.

By: /Ursula M. Polignone/

Ursula M. Polignone

**Statement of Facts by Mr. Robert E. West**

- A Letter dated November 17, 2006 was mailed to Mr. Howell's last known address, at the direction of the undersigned. Ms. Ursula M. Polignone prepared and mailed the letter. The letter included a Declaration, Power of Attorney, Assignment and a copy of the application, including the specification, claims and drawings. **To my knowledge no response was received.** (Copy of Cover Letter filed in previous petition on January 29, 2007)
- Upon learning of Mr. Howell's departure from Becton Dickinson and Company (BD) (the present Assignee of the Application), the undersigned attempted to reach Mark Crawford, who was an associate of Mr. Howell's while Mr. Howell was employed at BD. Mr. Crawford indicated that Mr. Howell was out of the country and had rented his residence. Mr. Crawford also indicated he had a contact e-mail for Mr. Howell, and would forward electronic copies of the documents to Mr. Howell.
- An e-mail dated December 21, 2006 was electronically sent to Mr. Crawford and subsequently electronically forwarded to Mr. Howell ([Glade\\_Howell@yahoo.com](mailto:Glade_Howell@yahoo.com)) on the same day, with electronic copies of the aforementioned documents, a link to a published version of the international application, and instructions on S-signing documents. This e-mail was also forwarded to the undersigned. **No Response was received.**
- An e-mail dated January 22, 2007 was sent directly to Mr. Howell, with a chain of the previous two e-mails, also including electronic copies of the aforementioned documents, a link to a published version of the international application, and instructions on S-signing documents. (Copy filed in previous petition on January 29, 2007) **Again, no response was received.**
- A co-pending application (U.S. S/N 10/916,649) which has the same inventorship as the instant application contains an Oath and Declaration that was endorsed by Mr. Glade Howell., and furthermore claims priority to a common provisional application.

I certify that the statements set forth in this Statement of Facts are true and correct, except as to matters stated on information and belief, and as to such matters I certify as aforesaid that I believe the same to be true.

By: /Robert E. West Reg. #48,030/  
Robert E. West

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As set forth in such two Statements of Facts attached herewith, contact information for Mr. Howell was located, but refused to sign the Declaration, Power of Attorney and Assignment after several *bona fide* attempts were made to present to him for review and signature, a copy of the entire application (specification, including claims and drawings).

Accordingly, on behalf of other inventors under 37 C.F.R. §1.47(a), the undersigned requests the office to accept the Oath and Declaration as complete and accept the application as complete under the 35 U.S.C. 371. We respectfully request reconsideration of the Petition Filed January 29, 2007.

Although applicant believes only no additional fees are required, the Commissioner is hereby authorized to charge Deposit Account No. 02-1666 for any additional fees which may be required or credit any overpayment to Deposit Account No. 02-1666.

Respectfully submitted,

Dated: December 19, 2007

By: /Robert E. West Reg #48,030/  
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